

VZCZCXRO6975
PP RUEHCN RUEHGH RUEHVC
DE RUEHBJ #5266/01 2220936
ZNY CCCCC ZZH
P 100936Z AUG 07
FM AMEMBASSY BEIJING
TO RUEHC/SECSTATE WASHDC PRIORITY 0681
INFO RUEHOO/CHINA POSTS COLLECTIVE PRIORITY
RUEHBY/AMEMBASSY CANBERRA PRIORITY 9528
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 BEIJING 005266

SIPDIS

SIPDIS

DEPARTMENT FOR EAP AND DRL
NSC FOR ABRAMS/WILDER

E.O. 12958: DECL: 08/10/2017
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [CN](#) [AS](#)
SUBJECT: AUSTRALIA-CHINA HUMAN RIGHTS DIALOGUE: HEATED
EXCHANGE ON TIBET, BEIJING BACKSLIDES ON NGO PARTICIPATION

REF: A. BEIJING 5064

[1](#)B. BEIJING 4871

Classified By: Political Internal Unit Chief
Dan Kritenbrink. Reasons 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) Australian Embassy Human Rights Officer Aviva Gulley described the July 30 Australia-China Human Rights dialogue as a mostly cordial exchange during which the Chinese side gave little ground and stuck to boilerplate responses. The Chinese delegation leader, Assistant Foreign Minister He Yafei, showed annoyance when Australia raised religious freedom issues related to Tibet and Xinjiang and expressed strong dissatisfaction with Australian Prime Minister John Howard's June 15 meeting with the Dalai Lama. The Australian side voiced disappointment that China did not follow through with a promise to allow Australian NGOs to participate in the meetings. The Australians also pressed the Chinese on various legal issues such as the frequent detention and harassment of defense lawyers, the non-transparent use of the death penalty and the reeducation-through-labor (RTL) system. The Chinese offered that the PRC might consider lowering the maximum RTL sentence from three years to one. End summary.

[1](#)2. (C) Australian Embassy Human Rights Officer Aviva Gulley provided Poloff with a readout of the 11th round of the Australia-China Human Rights Dialogue, which took place July 30 in Beijing. The theme of the most recent round was the role of legal professionals in protecting human rights. In keeping with the legal theme, the Chinese side included a wide range of officials from the Supreme People's Court, the Ministry of Public Security and the Ministry of Justice, among other agencies.

Atmosphere and Chinese Tactics

[1](#)3. (C) Gulley reported that the talks were conducted in a "reasonable" and "not unfriendly" atmosphere, except when the talks turned to Tibet. Compared with the previous round in 2006, the Chinese position was "firmer" on most issues. Gulley attributed this change to China's new delegation head: Assistant Foreign Minister (AFM) He Yafei, responsible for North American and Oceania Affairs. In previous rounds, AFM

Cui Tiankai, who oversees the MFA's International Organizations and Conferences Department, had led the talks. Peter Grey, Deputy Foreign Secretary, headed the Australian delegation. Gulley said throughout this round, the Chinese side employed two distinct tactics. First, AFM He and other Chinese officials would employ the "you-don't-understand-China laugh" and dismiss Australian information as inaccurate. Second, the Chinese delegation would frequently try to run down the clock with long monologues.

China Stalls on Including Australian NGOs

14. (C) Gulley said the Australian side was disappointed that China failed to follow through on a promise, made by AFM Cui in 2006, to allow Australian NGOs to participate in this year's round. As the day of the dialogue approached, China would not commit to allowing the NGOs into the meetings. In the end, the Australian NGOs were unwilling to travel to Beijing without some guarantee that they would have a role in the talks. Beyond the July 30 dialogue, Gulley noted difficulties the Australians were having working with Chinese NGOs. For example, as part of Australia's USD 1.7 million bilateral technical human rights cooperation program, Canberra is assisting the Beijing Legal Aid Office for Rural Migrants. The Aid Office was going to conduct a legal training seminar for migrant workers in Hebei Province, Gulley said, but China's Ministry of Justice withheld approval.

Falun Gong, Free Speech, Death Penalty

BEIJING 00005266 002 OF 003

15. (C) During the dialogue, the Australian side raised concerns over the persecution of Falun Gong (FLG) followers, media restrictions and China's use of the death penalty. Grey said Australia welcomed China's decision to relax restrictions on foreign journalists and expressed hope that Chinese journalists will enjoy more freedoms. Australia also noted the lack of clear statistics on the number of executions in China. AFM He responded with well-worn statements about China's constitution already guaranteeing freedom of speech. The Chinese side claimed the quality of death penalty statistics will improve now that all capital punishment cases are reviewed by the Supreme People's Court rather than by provincial courts. Regarding FLG, the Chinese side pushed back, complaining that FLG followers in Australia were frequently harassing Chinese tourists.

Tibet

16. (C) The dialogue grew heated when the discussion turned to Tibet, Gulley said. The Chinese side issued a long blast regarding Australian Prime Minister John Howard's June 15 meeting with the Dalai Lama. A representative of the United Front Work Department also launched into a lengthy lecture on the process of reincarnation and defended the Chinese government's prerogative to approve "living Buddhas." When the Australian side raised the detention of the Dalai Lama-approved Panchen Lama, the Chinese side dismissed Australian concerns outright. The person the Australians referred to was not the real Panchen Lama, the Australians were told; therefore, persecution of the Panchen Lama is a non-issue.

Xinjiang, DPRK Refugees, Detention of Lawyers

17. (C) The Australian side also raised concerns over the confiscation of the passports of Uighur Muslims in Xinjiang (to avoid surreptitious Hajj travel, see Ref B), the deportation of North Korean refugees and the routine detention of lawyers involved in sensitive human rights cases, Gulley said. On these points, the Chinese side provided little of note beyond arguing that the Australians did not understand the real situation in Xinjiang, North Koreans are economic migrants and there are no constraints on Chinese defense lawyers. The Ministry of Justice and the All China Lawyers Association representatives, Gulley said, added the dubious claim that fewer than ten lawyers are currently under detention in China.

Reeducation Through Labor

18. (C) In addition to the treatment of defense lawyers, the Australian side also raised China's reeducation-through-labor (RTL) system of administrative detention, under which people can be sent to labor camps for up to three years without trial. The Chinese side said the RTL system was suited to China's conditions and could even serve as a model for other countries. The Chinese government, however, is considering lowering the maximum sentence from three years to one.

China Hits Back on Housing Prices

19. (C) When it came time for China to raise its concerns about human rights in Australia, AFM He mentioned the lack of affordable housing in Australia. Gulley explained the Chinese were likely referring to a recent report by the United Nations Special Rapporteur on adequate housing which singled out Australia for criticism. Grey responded that Australia has one of the highest home-ownership rates in the world. China also raised concern over Australia's treatment of indigenous people and cited the high rates of child abuse in aboriginal communities.

Field Visits

BEIJING 00005266 003 OF 003

10. (C) Following the plenary session of the dialogue, the Australians conducted several separate meetings in Beijing and Wuhan, the primary goal of which was to establish contact with various components of China's public security apparatus. Gulley indicated the Australian delegation was generally pleased with the level of access granted for these meetings. Of particular note, Grey and the delegation visited the Committee for the Comprehensive Management of Social Security, a Communist Party office under the Central Committee. While there, Committee officials described security as "the most fundamental of all human rights." In Wuhan, the delegation also visited a prison and observed a trial.

RANDT